



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,379	10/01/2003	Naoki Shimada	03500.013347.1	4398

5514 7590 08/23/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

GARCIA, GABRIEL I

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,379

Applicant(s)

SHIMADA, NAOKI

Examiner

Gabriel I. Garcia

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-45 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 31-45 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/253,512.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/9/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

Art Unit: 2624

Part III DETAILED ACTION.

1. This application has been examined. Claims 31-45 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 31-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Barry et al. (6,657,741).

With regard to claim 31, Barry et al. teaches an information processing apparatus (10) for causing a plurality of printers (16) to execute printing, said apparatus comprising:

Art Unit: 2624

a discrimination unit (col. 1, lines 54-64), arranged for discriminating whether a document comprising a plurality of pages is to be printed as a plurality of copies or as a single copy (e.g. fig. 5, and col. 1, lines 54-64, col. 3, lines 14-34, and col. 6, lines 15-44, the workstation detect how many copies are needed for each print job); and a print data unit (e.g. 42, 42, and 52), arranged for generating print data for causing the plurality of printers to print the document copy by copy, even when the number of copies is greater than or equal to the number of the printers (e.g. col. 3, lines 14-34) if said

discrimination unit discriminates that the document is to be printed as a plurality of copies, and generating print data for causing the plurality of printers to print the document page by page if said discrimination unit discriminates that the document is to be printed as a single copy (e.g. fig. 5, and col. 1, lines 54-64, col. 3, lines 14-34, and col. 6, lines 15-44, the print job can be executed as a single copy job using only one printer or engine as depicted in step 234, or a multiple copy using multiple engines as depicted in step 240, and col. 1, lines 54-64).

With regard to claim 32, Barry et al. further teaches wherein if said discrimination unit discriminates that the document is

Art Unit: 2624

to be printed as a single copy, said print data unit divides the number of pages of the document by the number of printers to obtain a number of print pages for each printer and generates the print data based on the obtained number of print pages (e.g. fig. 5, and col. 1, lines 54-64, col. 3, lines 14-34, and col. 6, lines 15-44, the print job can be executed as a single copy job using only one printer or engine as depicted in step 234, or a multiple copy using multiple engines as depicted in step 240, and col. 1, lines 54-64, and the different pages could be printed by different printers or print engines, see fig. 5).

With regard to claim 33, Barry et al. further teaches a transmission unit (14) arranged for transmitting the print data generated by said print data unit to the printers (16) (see fig. 1-3).

With regard to claim 34, Barry et al. further teaches wherein the printers include an ink jet printer (e.g. col. 4, lines 12-19 and col. 6, lines 13-14, a color print engine can be an ink jet printer).

With regard to claim 35, Barry et al. further teaches a second discrimination unit (as depicted in fig. 5) arranged for discriminating whether copy-by-copy printing is designated, if said discrimination unit discriminates that the document is to be printed as a plurality of copies, wherein said print data

Art Unit: 2624

unit generates the print data for causing the plurality of printers to print the document copy by copy if said second discrimination unit discriminates that the copy-by-copy printing is designated, and generates print data for causing the plurality of printers to print the document page by page if said second discrimination unit discriminates that the copy by-copy printing is not designated (e.g. fig. 5, and col. 1, lines 54-64, col. 3, lines 14-34, and col. 6, lines 15-44, the print job can be executed as a single copy job using only one printer or engine as depicted in step 234, or a multiple copy using multiple engines as depicted in step 240, and col. 1, lines 54-64).

With regard to claims 36-45, the limitations of claims 36-45 are covered by the limitations of claims 31-35 above (the means of claims 31-35 perform the steps of claims 36-45, which could be programmed to perform the method and computer program of claims 36-45).

Conclusion

4. Applicant's arguments filed 6/9/05 have been fully considered but they are not persuasive.

With regard to Applicant's argument that Barry et al. fails to teach or suggest at least generating print data for causing the plurality of printers to print the document copy by

Art Unit: 2624

copy, **even when the number of copies is greater than or equal to the number of printers** . Examiner disagrees with Applicant's conclusion. Examiner asserts that Barry et al. teaches at least generating print data for causing the plurality of printers to print the document copy by copy, **even when the number of copies is greater than or equal to the number of printers** (see col. 3, lines 14-34, which clearly shows that the number of copies is greater than the number of printers, and it is printer as a single job).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

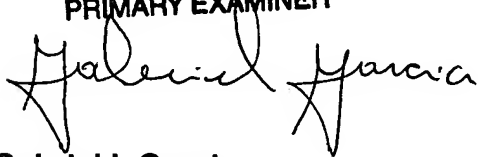
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The examiner can normally be reached Monday thru Thursday from 7:30AM-6:00PM.

Art Unit: 2624

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600. The fax number for official faxes is (571) 273-8300.

**GABRIEL GARCIA
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Gabriel Garcia', written over the printed name and title.

**Gabriel I. Garcia
Primary Examiner
August 19, 2005**